

Calendar No. 745

106TH CONGRESS
2D SESSION**S. 1658****[Report No. 106-368]**

To authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 1999

Mr. DASCHLE (for himself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr.
CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize the construction of a Reconciliation Place in
Fort Pierre, South Dakota, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~SECTION 1. FINDINGS.~~

4 ~~Congress finds that—~~

1 (1) there is a continuing need for reconciliation
2 between Indians and non-Indians;

3 (2) the need may be met partially through the
4 promotion of the understanding of the history and
5 culture of Sioux Indian tribes;

6 (3) the establishment of a Sioux Nation Tribal
7 Supreme Court will promote economic development
8 on reservations of the Sioux Nation and provide in-
9 vestors that contribute to that development a greater
10 degree of certainty and confidence by—

11 (A) reconciling conflicting tribal laws; and

12 (B) strengthening tribal court systems;

13 (4) the reservations of the Sioux Nation—

14 (A) contain the poorest counties in the
15 United States; and

16 (B) lack adequate tools to promote eco-
17 nomic development and the creation of jobs;
18 and

19 (5) the establishment of a Native American
20 Economic Development Council will assist in pro-
21 moting economic growth and reducing poverty on
22 reservations of the Sioux Nation by—

23 (A) coordinating economic development ef-
24 forts;

1 (B) centralizing expertise concerning Fed-
2 eral assistance; and

3 (C) facilitating the raising of funds from
4 private donations to meet matching require-
5 ments under certain Federal assistance pro-
6 grams.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given that term in section 4(e) of
11 the Indian Self-Determination and Education Assist-
12 ance Act (25 U.S.C. 450b(e)).

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (3) SIOUX NATION.—The term “Sioux Nation”
16 means the Indian tribes comprising the Sioux Na-
17 tion.

18 **TITLE I—RECONCILIATION**
19 **CENTER**

20 **SEC. 101. RECONCILIATION CENTER.**

21 (a) ESTABLISHMENT.—The Secretary of Housing
22 and Urban Development, in cooperation with the Sec-
23 retary, shall establish, in accordance with this section, a
24 reconciliation center, to be known as “Reconciliation
25 Place”.

1 (b) PURPOSES.—The purposes of Reconciliation
2 Place shall be as follows:

3 (1) To enhance the knowledge and under-
4 standing of the history of Native Americans by—

5 (A) displaying and interpreting the history,
6 art, and culture of Indian tribes for Indians
7 and non-Indians; and

8 (B) providing an accessible repository
9 for—

10 (i) the history of Indian tribes; and

11 (ii) the family history of members of
12 Indian tribes.

13 (2) To provide for the interpretation of the en-
14 counters between Lewis and Clark and the Sioux
15 Nation.

16 (3) To house the Sioux Nation Tribal Supreme
17 Court.

18 (4) To house the Native American Economic
19 Development Council.

20 (c) GRANT.—

21 (1) IN GENERAL.—The Secretary of Housing
22 and Urban Development shall offer to award a grant
23 to the Wakpa Sica Historical Society of Fort Pierre,
24 South Dakota, for the construction of Reconciliation
25 Place.

1 (2) GRANT AGREEMENT.—

2 (A) IN GENERAL.—As a condition to re-
3 ceiving the grant under this subsection, the ap-
4 propriate official of the Wakpa Sica Historical
5 Society shall enter into a grant agreement with
6 the Secretary of Housing and Urban Develop-
7 ment.

8 (B) CONSULTATION.—Before entering into
9 a grant agreement under this paragraph, the
10 Secretary of Housing and Urban Development
11 shall consult with the Secretary concerning the
12 contents of the agreement.

13 (C) DUTIES OF THE WAKPA SICA HISTOR-
14 ICAL SOCIETY.—The grant agreement under
15 this paragraph shall specify the duties of the
16 Wakpa Sica Historical Society under this sec-
17 tion and arrangements for the maintenance of
18 Reconciliation Place.

19 (3) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to the De-
21 partment of Housing and Urban Development
22 \$17,258,441, to be used for the grant under this
23 section.

1 **SEC. 102. SIOUX NATION TRIBAL COURT.**

2 (a) IN GENERAL.—To ensure the development and
3 operation of the Sioux Nation Tribal Supreme Court, the
4 Attorney General of the United States shall provide such
5 technical and financial assistance to the Sioux Nation as
6 is necessary.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there are authorized to be appropriated
9 to the Department of Justice such sums as are necessary.

10 **TITLE II—NATIVE AMERICAN**
11 **ECONOMIC DEVELOPMENT**
12 **COUNCIL**

13 **SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECO-**
14 **NOMIC DEVELOPMENT COUNCIL.**

15 (a) ESTABLISHMENT.—There is established the Na-
16 tive American Economic Development Council (in this title
17 referred to as the “Council”). The Council shall be a char-
18 itable and nonprofit corporation and shall not be consid-
19 ered to be an agency or establishment of the United
20 States.

21 (b) PURPOSES.—The purposes of the Council are—

22 (1) to encourage, accept, and administer private
23 gifts of property;

24 (2) to use those gifts as a source of matching
25 funds necessary to receive Federal assistance;

1 ~~(3)~~ to provide members of Indian tribes with
 2 the skills and resources necessary for establishing
 3 successful businesses;

4 ~~(4)~~ to provide grants and loans to members of
 5 Indian tribes to establish or operate small busi-
 6 nesses;

7 ~~(5)~~ to provide scholarships for members of In-
 8 dian tribes who are students pursuing an education
 9 in business or a business-related subject; and

10 ~~(6)~~ to provide technical assistance to Indian
 11 tribes and members thereof in obtaining Federal as-
 12 sistance.

13 **SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.**

14 ~~(a)~~ ESTABLISHMENT AND MEMBERSHIP.—

15 ~~(1)~~ IN GENERAL.—The Council shall have a
 16 governing Board of Directors (in this title referred
 17 to as the “Board”).

18 ~~(2)~~ MEMBERSHIP.—The Board shall consist of
 19 11 directors, who shall be appointed by the Sec-
 20 retary as follows:

21 ~~(A)(i)~~ 9 members appointed under this
 22 paragraph shall represent the 9 reservations of
 23 South Dakota.

24 ~~(ii)~~ Each member described in clause (i)
 25 shall—

1 (I) represent 1 of the reservations de-
2 scribed in clause (i); and

3 (H) be selected from among nomina-
4 tions submitted by the appropriate Indian
5 tribe.

6 (B) 1 member appointed under this para-
7 graph shall be selected from nominations sub-
8 mitted by the Governor of the State of South
9 Dakota.

10 (C) 1 member appointed under this para-
11 graph shall be selected from nominations sub-
12 mitted by the most senior member of the South
13 Dakota Congressional delegation.

14 (3) CITIZENSHIP.—Each member of the Board
15 shall be a citizen of the United States.

16 (b) APPOINTMENTS AND TERMS.—

17 (1) APPOINTMENT.—Not later than December
18 31, 2000, the Secretary shall appoint the directors
19 of the Board under subsection (a)(2).

20 (2) TERMS.—Each director shall serve for a
21 term of 2 years.

22 (3) VACANCIES.—A vacancy on the Board shall
23 be filled not later than 60 days after that vacancy
24 occurs, in the manner in which the original appoint-
25 ment was made.

1 (4) LIMITATION ON TERMS.—No individual may
2 serve more than 3 consecutive terms as a director.

3 (c) CHAIRMAN.—The Chairman shall be elected by
4 the Board from its members for a term of 2 years.

5 (d) QUORUM.—A majority of the members of the
6 Board shall constitute a quorum for the transaction of
7 business.

8 (e) MEETINGS.—The Board shall meet at the call of
9 the Chairman at least once a year. If a director misses
10 3 consecutive regularly scheduled meetings, that individual
11 may be removed from the Board by the Secretary and that
12 vacancy filled in accordance with subsection (b).

13 (f) REIMBURSEMENT OF EXPENSES.—Members of
14 the Board shall serve without pay, but may be reimbursed
15 for the actual and necessary traveling and subsistence ex-
16 penses incurred by them in the performance of the duties
17 of the Council.

18 (g) GENERAL POWERS.—

19 (1) POWERS.—The Board may complete the or-
20 ganization of the Council by—

21 (A) appointing officers and employees;

22 (B) adopting a constitution and bylaws
23 consistent with the purposes of the Council
24 under this Act; and

1 (C) carrying out such other actions as may
 2 be necessary to carry out the purposes of the
 3 Council under this Act.

4 (2) EFFECT OF APPOINTMENT.—Appointment
 5 to the Board shall not constitute employment by, or
 6 the holding of an office of, the United States for the
 7 purposes of any Federal law.

8 (3) LIMITATIONS.—The following limitations
 9 shall apply with respect to the appointment of offi-
 10 cers and employees of the Council:

11 (A) Officers and employees may not be ap-
 12 pointed until the Council has sufficient funds to
 13 pay them for their service.

14 (B) Officers and employees of the
 15 Council—

16 (i) shall be appointed without regard
 17 to the provisions of title 5, United States
 18 Code, governing appointments in the com-
 19 petitive service; and

20 (ii) may be paid without regard to the
 21 provisions of chapter 51 and subchapter
 22 III of chapter 53 of such title relating to
 23 classification and General Schedule pay
 24 rates.

1 ~~(4) SECRETARY OF THE BOARD.—~~The first offi-
 2 cer or employee appointed by the Board shall be the
 3 Secretary of the Board. The Secretary of the Board
 4 shall—

5 (A) serve, at the direction of the Board, as
 6 its chief operating officer; and

7 (B) be knowledgeable and experienced in
 8 matters relating to economic development and
 9 Indian affairs.

10 **SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.**

11 ~~(a) CORPORATE POWERS.—~~To carry out its purposes
 12 under section 201(b), the Council shall have, in addition
 13 to the powers otherwise given it under this Act, the usual
 14 powers of a corporation acting as a trustee in South Da-
 15 kota, including the power—

16 ~~(1)~~ to accept, receive, solicit, hold, administer,
 17 and use any gift, devise, or bequest, either absolutely
 18 or in trust, of real or personal property or any in-
 19 come therefrom or other interest therein;

20 ~~(2)~~ to acquire by purchase or exchange any real
 21 or personal property or interest therein;

22 ~~(3)~~ unless otherwise required by the instrument
 23 of transfer, to sell, donate, lease, invest, reinvest, re-
 24 tain, or otherwise dispose of any property or income
 25 therefrom;

1 (4) to borrow money and issue bonds, debentures, or other debt instruments;

3 (5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

7 (6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

11 (7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

13 (b) OTHER POWERS AND OBLIGATIONS.—

14 (1) IN GENERAL.—The Council—

15 (A) shall have perpetual succession;

16 (B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

19 (C) shall have its principal offices in South Dakota; and

21 (D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

24 (2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required

1 under paragraph (1)(D), or mailed to the business
 2 address of such agent, shall be deemed as service
 3 upon or notice to the Council.

4 (c) SEAL.—The Council shall have an official seal se-
 5 lected by the Board, which shall be judicially noticed.

6 (d) CERTAIN INTERESTS.—If any current or future
 7 interest of a gift under subsection (a)(1) is for the benefit
 8 of the Council, the Council may accept the gift under such
 9 subsection, even if that gift is encumbered, restricted, or
 10 subject to beneficial interests of 1 or more private persons.

11 **SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.**

12 (a) PROVISION OF SERVICES.—The Secretary may
 13 provide personnel, facilities, and other administrative serv-
 14 ices to the Council, including reimbursement of expenses
 15 under section 202, not to exceed then current Federal
 16 Government per diem rates, for a period ending not later
 17 than 5 years after the date of enactment of this Act.

18 (b) REIMBURSEMENT.—

19 (1) IN GENERAL.—The Council may reimburse
 20 the Secretary for any administrative service provided
 21 under subsection (a). The Secretary shall deposit
 22 any reimbursement received under this subsection
 23 into the Treasury to the credit of the appropriations
 24 then current and chargeable for the cost of providing
 25 such services.

1 ~~(2) CONTINUATION OF CERTAIN ASSISTANCE.—~~

2 Notwithstanding any other provision of this section,
3 the Secretary is authorized to continue to provide fa-
4 cilities, and necessary support services for such fa-
5 cilities, to the Council after the date specified in
6 subsection (a), on a space available, reimbursable
7 cost basis.

8 **SEC. 205. VOLUNTEER STATUS.**

9 ~~(a) IN GENERAL.—~~Notwithstanding any other provi-
10 sion of law, the Secretary may accept, without regard to
11 the civil service classification laws, rules, or regulations,
12 the services of the Council, the Board, and the officers
13 and employees of the Board, without compensation from
14 the Secretary, as volunteers in the performance of the
15 functions authorized under this Act.

16 ~~(b) INCIDENTAL EXPENSES.—~~The Secretary is au-
17 thorized to provide for incidental expenses, including
18 transportation, lodging, and subsistence to the officers and
19 employees serving as volunteers under subsection (a).

20 **SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION**

21 **OF ATTORNEY GENERAL FOR EQUITABLE RE-**

22 **LIEF.**

23 ~~(a) AUDITS.—~~The Council shall be subject to audit-
24 ing and reporting requirements under section 10101 of

1 title 36, United States Code, in the same manner as is
 2 a corporation under part B of that title.

3 (b) REPORT.—As soon as practicable after the end
 4 of each fiscal year, the Council shall transmit to Congress
 5 a report of its proceedings and activities during such year,
 6 including a full and complete statement of its receipts, ex-
 7 penditures, and investments.

8 (c) RELIEF WITH RESPECT TO CERTAIN COUNCIL
 9 ACTS OR FAILURE TO ACT.—If the Council—

10 (1) engages in, or threatens to engage in, any
 11 act, practice, or policy that is inconsistent with the
 12 purposes of the Council under section 201(b); or

13 (2) refuses, fails, or neglects to discharge the
 14 obligations of the Council under this Act, or threat-
 15 ens to do so;

16 then the Attorney General of the United States may peti-
 17 tion in the United States District Court for the District
 18 of Columbia for such equitable relief as may be necessary
 19 or appropriate.

20 **SEC. 207. UNITED STATES RELEASE FROM LIABILITY.**

21 The United States shall not be liable for any debts,
 22 defaults, acts, or omissions of the Council. The full faith
 23 and credit of the United States shall not extend to any
 24 obligation of the Council.

1 **SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.**

2 ~~(a) GRANTS.—~~

3 ~~(1) IN GENERAL.—~~Not less frequently than an-
 4 nually, the Secretary shall award a grant to the
 5 Council, to be used to carry out the purposes speci-
 6 fied in section 201(b) in accordance with this sec-
 7 tion.

8 ~~(2) GRANT AGREEMENTS.—~~As a condition to
 9 receiving a grant under this section, the secretary of
 10 the Board, with the approval of the Board, shall
 11 enter into an agreement with the Secretary that
 12 specifies the duties of the Council in carrying out
 13 the grant and the information that is required to be
 14 included in the agreement under paragraphs (3) and
 15 (4).

16 ~~(3) MATCHING REQUIREMENTS.—~~Each agree-
 17 ment entered into under paragraph (2) shall specify
 18 that the Federal share of a grant under this section
 19 shall be 80 percent of the cost of the activities fund-
 20 ed under the grant. No amount may be made avail-
 21 able to the Council for a grant under this section,
 22 unless the Council has raised an amount from pri-
 23 vate persons and State and local government agen-
 24 cies equivalent to the non-Federal share of the
 25 grant.

1 (4) PROHIBITION ON THE USE OF FEDERAL
 2 FUNDS FOR ADMINISTRATIVE EXPENSES.—Each
 3 agreement entered into under paragraph (2) shall
 4 specify that no Federal funds made available to the
 5 Council (under the grant that is the subject of the
 6 agreement or otherwise) may be used by the Council
 7 for administrative expenses of the Council, including
 8 salaries, travel and transportation expenses, and
 9 other overhead expenses.

10 (b) TECHNICAL ASSISTANCE.—

11 (1) IN GENERAL.—Each agency head listed in
 12 paragraph (2) shall provide to the Council such tech-
 13 nical assistance as may be necessary for the Council
 14 to carry out the purposes specified in section 201(b).

15 (2) AGENCY HEADS.—The agency heads listed
 16 in this paragraph are as follows:

17 (A) The Secretary of Housing and Urban
 18 Development.

19 (B) The Secretary of the Interior.

20 (C) The Commissioner of Indian Affairs.

21 (D) The Assistant Secretary for Economic
 22 Development of the Department of Commerce.

23 (E) The Administrator of the Small Busi-
 24 ness Administration.

1 ~~(F) The Administrator of the Rural Devel-~~
 2 ~~opment Administration.~~

3 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

4 ~~(a) AUTHORIZATION.—There are authorized to be ap-~~
 5 ~~propriated to the Department of the Interior, \$10,000,000~~
 6 ~~for each of fiscal years 2000, 2001, 2002, 2003, and 2004,~~
 7 ~~to be used in accordance with section 208.~~

8 ~~(b) ADDITIONAL AUTHORIZATION.—The amounts~~
 9 ~~authorized to be appropriated under this section are in~~
 10 ~~addition to any amounts provided or available to the Coun-~~
 11 ~~cil under any other provision of Federal law.~~

12 **SECTION 1. FINDINGS.**

13 *Congress finds that—*

14 *(1) there is a continuing need for reconciliation*
 15 *between Indians and non-Indians;*

16 *(2) the need may be met partially through the*
 17 *promotion of the understanding of the history and*
 18 *culture of Sioux Indian tribes;*

19 *(3) the establishment of a Sioux Nation Tribal*
 20 *Supreme Court will promote economic development*
 21 *on reservations of the Sioux Nation and provide in-*
 22 *vestors that contribute to that development a greater*
 23 *degree of certainty and confidence by—*

24 *(A) reconciling conflicting tribal laws; and*

25 *(B) strengthening tribal court systems;*

1 (4) *the reservations of the Sioux Nation—*

2 (A) *contain the poorest counties in the*
3 *United States; and*

4 (B) *lack adequate tools to promote economic*
5 *development and the creation of jobs;*

6 (5) *the establishment of a Native American Eco-*
7 *nomie Development Council will assist in promoting*
8 *economic growth and reducing poverty on reserva-*
9 *tions of the Sioux Nation by—*

10 (A) *coordinating economic development ef-*
11 *forts;*

12 (B) *centralizing expertise concerning Fed-*
13 *eral assistance; and*

14 (C) *facilitating the raising of funds from*
15 *private donations to meet matching requirements*
16 *under certain Federal assistance programs;*

17 (6) *there is a need to enhance and strengthen the*
18 *capacity of Indian tribal governments and tribal jus-*
19 *tice systems to address conflicts which impair rela-*
20 *tionships within Indian communities and between In-*
21 *dian and non-Indian communities and individuals;*
22 *and*

23 (7) *the establishment of the National Native*
24 *American Mediation Training Center, with the tech-*
25 *nical assistance of tribal and Federal agencies, in-*

1 cluding the Community Relations Service of the De-
 2 partment of Justice, would enhance and strengthen
 3 the mediation skills that are useful in reducing ten-
 4 sions and resolving conflicts in Indian communities
 5 and between Indian and non-Indian communities
 6 and individuals.

7 **SEC. 2. DEFINITIONS.**

8 *In this Act:*

9 (1) *INDIAN TRIBE.*—The term “Indian tribe” has
 10 the meaning given that term in section 4(e) of the In-
 11 dian Self-Determination and Education Assistance
 12 Act (25 U.S.C. 450b(e)).

13 (2) *SECRETARY.*—The term “Secretary” means
 14 the Secretary of the Interior.

15 (3) *SIOUX NATION.*—The term “Sioux Nation”
 16 means the Indian tribes comprising the Sioux Nation.

17 **TITLE I—RECONCILIATION**
 18 **CENTER**

19 **SEC. 101. RECONCILIATION CENTER.**

20 (a) *ESTABLISHMENT.*—The Secretary of Housing and
 21 Urban Development, in cooperation with the Secretary,
 22 shall establish, in accordance with this section, a reconcili-
 23 ation center, to be known as “Reconciliation Place”.

24 (b) *LOCATION.*—Notwithstanding any other provision
 25 of law, the Secretary shall take into trust for the benefit

1 *of the Sioux Nation the parcel of land in Stanley County,*
 2 *South Dakota, that is described as “The Reconciliation*
 3 *Place Addition” that is owned on the date of enactment of*
 4 *this Act by the Wakpa Sica Historical Society, Inc., for*
 5 *the purpose of establishing and operating The Reconcili-*
 6 *ation Place.*

7 *(c) PURPOSES.—The purposes of Reconciliation Place*
 8 *shall be as follows:*

9 *(1) To enhance the knowledge and understanding*
 10 *of the history of Native Americans by—*

11 *(A) displaying and interpreting the history,*
 12 *art, and culture of Indian tribes for Indians and*
 13 *non-Indians; and*

14 *(B) providing an accessible repository for—*

15 *(i) the history of Indian tribes; and*

16 *(ii) the family history of members of*
 17 *Indian tribes.*

18 *(2) To provide for the interpretation of the en-*
 19 *counters between Lewis and Clark and the Sioux Na-*
 20 *tion.*

21 *(3) To house the Sioux Nation Tribal Supreme*
 22 *Court.*

23 *(4) To house the Native American Economic De-*
 24 *velopment Council.*

1 (5) *To house the National Native American Me-*
 2 *diation Training Center to train tribal personnel in*
 3 *conflict resolution and alternative dispute resolution.*

4 (d) *GRANT.—*

5 (1) *IN GENERAL.—The Secretary of Housing and*
 6 *Urban Development shall offer to award a grant to*
 7 *the Wakpa Sica Historical Society of Fort Pierre,*
 8 *South Dakota, for the construction of Reconciliation*
 9 *Place.*

10 (2) *GRANT AGREEMENT.—*

11 (A) *IN GENERAL.—As a condition to receiv-*
 12 *ing the grant under this subsection, the appro-*
 13 *priate official of the Wakpa Sica Historical So-*
 14 *cietty shall enter into a grant agreement with the*
 15 *Secretary of Housing and Urban Development.*

16 (B) *CONSULTATION.—Before entering into a*
 17 *grant agreement under this paragraph, the Sec-*
 18 *retary of Housing and Urban Development shall*
 19 *consult with the Secretary concerning the con-*
 20 *tents of the agreement.*

21 (C) *DUTIES OF THE WAKPA SICA HISTOR-*
 22 *ICAL SOCIETY.—The grant agreement under this*
 23 *paragraph shall specify the duties of the Wakpa*
 24 *Sica Historical Society under this section and*

1 *arrangements for the maintenance of Reconcili-*
 2 *ation Place.*

3 (3) *AUTHORIZATION OF APPROPRIATIONS.—*

4 *There are authorized to be appropriated to the De-*
 5 *partment of Housing and Urban Development*
 6 *\$18,258,441, to be used for the grant under this sec-*
 7 *tion.*

8 **SEC. 102. SIOUX NATION SUPREME COURT AND NATIONAL**
 9 **NATIVE AMERICAN MEDIATION TRAINING**
 10 **CENTER.**

11 (a) *IN GENERAL.—To ensure the development and op-*
 12 *eration of the Sioux Nation Tribal Supreme Court and the*
 13 *National Native American Medication Training Center, the*
 14 *Attorney General of the United States shall use available*
 15 *funds to provide technical and financial assistance to the*
 16 *Sioux Nation.*

17 (b) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
 18 *out this section, there are authorized to be appropriated to*
 19 *the Department of Justice such sums as are necessary.*

1 **TITLE II—NATIVE AMERICAN**
 2 **ECONOMIC DEVELOPMENT**
 3 **COUNCIL**

4 **SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECO-**
 5 **NOMIC DEVELOPMENT COUNCIL.**

6 (a) *ESTABLISHMENT.*—*There is established the Native*
 7 *American Economic Development Council (in this title re-*
 8 *ferred to as the “Council”). The Council shall be a chari-*
 9 *table and nonprofit corporation and shall not be considered*
 10 *to be an agency or establishment of the United States.*

11 (b) *PURPOSES.*—*The purposes of the Council are—*

12 (1) *to encourage, accept, and administer private*
 13 *gifts of property;*

14 (2) *to use those gifts as a source of matching*
 15 *funds necessary to receive Federal assistance;*

16 (3) *to provide members of Indian tribes with the*
 17 *skills and resources necessary for establishing success-*
 18 *ful businesses;*

19 (4) *to provide grants and loans to members of*
 20 *Indian tribes to establish or operate small businesses;*

21 (5) *to provide scholarships for members of In-*
 22 *dian tribes who are students pursuing an education*
 23 *in business or a business-related subject; and*

1 (6) to provide technical assistance to Indian
2 tribes and members thereof in obtaining Federal as-
3 sistance.

4 **SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.**

5 (a) *ESTABLISHMENT AND MEMBERSHIP.*—

6 (1) *IN GENERAL.*—The Council shall have a gov-
7 erning Board of Directors (in this title referred to as
8 the “Board”).

9 (2) *MEMBERSHIP.*—The Board shall consist of
10 11 directors, who shall be appointed by the Secretary
11 as follows:

12 (A)(i) 9 members appointed under this
13 paragraph shall represent the 9 reservations of
14 South Dakota.

15 (ii) Each member described in clause (i)
16 shall—

17 (I) represent 1 of the reservations de-
18 scribed in clause (i); and

19 (II) be selected from among nomina-
20 tions submitted by the appropriate Indian
21 tribe.

22 (B) 1 member appointed under this para-
23 graph shall be selected from nominations sub-
24 mitted by the Governor of the State of South Da-
25 kota.

1 (C) 1 member appointed under this para-
 2 graph shall be selected from nominations sub-
 3 mitted by the most senior member of the South
 4 Dakota Congressional delegation.

5 (3) CITIZENSHIP.—Each member of the Board
 6 shall be a citizen of the United States.

7 (b) APPOINTMENTS AND TERMS.—

8 (1) APPOINTMENT.—Not later than December 31,
 9 2000, the Secretary shall appoint the directors of the
 10 Board under subsection (a)(2).

11 (2) TERMS.—Each director shall serve for a term
 12 of 2 years.

13 (3) VACANCIES.—A vacancy on the Board shall
 14 be filled not later than 60 days after that vacancy oc-
 15 curs, in the manner in which the original appoint-
 16 ment was made.

17 (4) LIMITATION ON TERMS.—No individual may
 18 serve more than 3 consecutive terms as a director.

19 (c) CHAIRMAN.—The Chairman shall be elected by the
 20 Board from its members for a term of 2 years.

21 (d) QUORUM.—A majority of the members of the Board
 22 shall constitute a quorum for the transaction of business.

23 (e) MEETINGS.—The Board shall meet at the call of
 24 the Chairman at least once a year. If a director misses 3
 25 consecutive regularly scheduled meetings, that individual

1 *may be removed from the Board by the Secretary and that*
 2 *vacancy filled in accordance with subsection (b).*

3 *(f) REIMBURSEMENT OF EXPENSES.—Members of the*
 4 *Board shall serve without pay, but may be reimbursed for*
 5 *the actual and necessary traveling and subsistence expenses*
 6 *incurred by them in the performance of the duties of the*
 7 *Council.*

8 *(g) GENERAL POWERS.—*

9 *(1) POWERS.—The Board may complete the or-*
 10 *ganization of the Council by—*

11 *(A) appointing officers and employees;*

12 *(B) adopting a constitution and bylaws*
 13 *consistent with the purposes of the Council under*
 14 *this Act; and*

15 *(C) carrying out such other actions as may*
 16 *be necessary to carry out the purposes of the*
 17 *Council under this Act.*

18 *(2) EFFECT OF APPOINTMENT.—Appointment to*
 19 *the Board shall not constitute employment by, or the*
 20 *holding of an office of, the United States for the pur-*
 21 *poses of any Federal law.*

22 *(3) LIMITATIONS.—The following limitations*
 23 *shall apply with respect to the appointment of officers*
 24 *and employees of the Council:*

1 (A) Officers and employees may not be ap-
 2 pointed until the Council has sufficient funds to
 3 pay them for their service.

4 (B) Officers and employees of the Council—

5 (i) shall be appointed without regard
 6 to the provisions of title 5, United States
 7 Code, governing appointments in the com-
 8 petitive service; and

9 (ii) may be paid without regard to the
 10 provisions of chapter 51 and subchapter III
 11 of chapter 53 of such title relating to classi-
 12 fication and General Schedule pay rates.

13 (4) SECRETARY OF THE BOARD.—The first offi-
 14 cer or employee appointed by the Board shall be the
 15 Secretary of the Board. The Secretary of the Board
 16 shall—

17 (A) serve, at the direction of the Board, as
 18 its chief operating officer; and

19 (B) be knowledgeable and experienced in
 20 matters relating to economic development and
 21 Indian affairs.

22 **SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.**

23 (a) CORPORATE POWERS.—To carry out its purposes
 24 under section 201(b), the Council shall have, in addition
 25 to the powers otherwise given it under this Act, the usual

1 *powers of a corporation acting as a trustee in South Da-*
2 *kota, including the power—*

3 (1) *to accept, receive, solicit, hold, administer,*
4 *and use any gift, devise, or bequest, either absolutely*
5 *or in trust, of real or personal property or any in-*
6 *come therefrom or other interest therein;*

7 (2) *to acquire by purchase or exchange any real*
8 *or personal property or interest therein;*

9 (3) *unless otherwise required by the instrument*
10 *of transfer, to sell, donate, lease, invest, reinvest, re-*
11 *tain, or otherwise dispose of any property or income*
12 *therefrom;*

13 (4) *to borrow money and issue bonds, debentures,*
14 *or other debt instruments;*

15 (5) *to sue and be sued, and complain and defend*
16 *itself in any court of competent jurisdiction, except*
17 *that the directors shall not be personally liable, except*
18 *for gross negligence;*

19 (6) *to enter into contracts or other arrangements*
20 *with public agencies and private organizations and*
21 *persons and to make such payments as may be nec-*
22 *essary to carry out its function; and*

23 (7) *to carry out any action that is necessary and*
24 *proper to carry out the purposes of the Council.*

25 (b) *OTHER POWERS AND OBLIGATIONS.—*

1 (1) *IN GENERAL.*—*The Council—*

2 (A) *shall have perpetual succession;*

3 (B) *may conduct business throughout the*
4 *several States, territories, and possessions of the*
5 *United States and abroad;*

6 (C) *shall have its principal offices in South*
7 *Dakota; and*

8 (D) *shall at all times maintain a des-*
9 *ignated agent authorized to accept service of*
10 *process for the Council.*

11 (2) *SERVICE OF NOTICE.*—*The serving of notice*
12 *to, or service of process upon, the agent required*
13 *under paragraph (1)(D), or mailed to the business*
14 *address of such agent, shall be deemed as service upon*
15 *or notice to the Council.*

16 (c) *SEAL.*—*The Council shall have an official seal se-*
17 *lected by the Board, which shall be judicially noticed.*

18 (d) *CERTAIN INTERESTS.*—*If any current or future in-*
19 *terest of a gift under subsection (a)(1) is for the benefit of*
20 *the Council, the Council may accept the gift under such sub-*
21 *section, even if that gift is encumbered, restricted, or subject*
22 *to beneficial interests of 1 or more private persons.*

23 **SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.**

24 (a) *PROVISION OF SERVICES.*—*The Secretary may*
25 *provide personnel, facilities, and other administrative serv-*

1 *ices to the Council, including reimbursement of expenses*
 2 *under section 202, not to exceed then current Federal Gov-*
 3 *ernment per diem rates, for a period ending not later than*
 4 *5 years after the date of enactment of this Act.*

5 *(b) REIMBURSEMENT.—*

6 *(1) IN GENERAL.—The Council may reimburse*
 7 *the Secretary for any administrative service provided*
 8 *under subsection (a). The Secretary shall deposit any*
 9 *reimbursement received under this subsection into the*
 10 *Treasury to the credit of the appropriations then cur-*
 11 *rent and chargeable for the cost of providing such*
 12 *services.*

13 *(2) CONTINUATION OF CERTAIN ASSISTANCE.—*
 14 *Notwithstanding any other provision of this section,*
 15 *the Secretary is authorized to continue to provide fa-*
 16 *cilities, and necessary support services for such facili-*
 17 *ties, to the Council after the date specified in sub-*
 18 *section (a), on a space available, reimbursable cost*
 19 *basis.*

20 **SEC. 205. VOLUNTEER STATUS.**

21 *(a) IN GENERAL.—Notwithstanding any other provi-*
 22 *sion of law, the Secretary may accept, without regard to*
 23 *the civil service classification laws, rules, or regulations, the*
 24 *services of the Council, the Board, and the officers and em-*
 25 *ployees of the Board, without compensation from the Sec-*

1 *retary, as volunteers in the performance of the functions*
 2 *authorized under this Act.*

3 (b) *INCIDENTAL EXPENSES.*—*The Secretary is author-*
 4 *ized to provide for incidental expenses, including transpor-*
 5 *tation, lodging, and subsistence to the officers and employ-*
 6 *ees serving as volunteers under subsection (a).*

7 **SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION**
 8 **OF ATTORNEY GENERAL FOR EQUITABLE RE-**
 9 **LIEF.**

10 (a) *AUDITS.*—*The Council shall be subject to auditing*
 11 *and reporting requirements under section 10101 of title 36,*
 12 *United States Code, in the same manner as is a corporation*
 13 *under part B of that title.*

14 (b) *REPORT.*—*As soon as practicable after the end of*
 15 *each fiscal year, the Council shall transmit to Congress a*
 16 *report of its proceedings and activities during such year,*
 17 *including a full and complete statement of its receipts, ex-*
 18 *penditures, and investments.*

19 (c) *RELIEF WITH RESPECT TO CERTAIN COUNCIL*
 20 *ACTS OR FAILURE TO ACT.*—*If the Council—*

21 (1) *engages in, or threatens to engage in, any*
 22 *act, practice, or policy that is inconsistent with the*
 23 *purposes of the Council under section 201(b); or*

1 (2) *refuses, fails, or neglects to discharge the obli-*
 2 *gations of the Council under this Act, or threatens to*
 3 *do so;*
 4 *then the Attorney General of the United States may petition*
 5 *in the United States District Court for the District of Co-*
 6 *lumbia for such equitable relief as may be necessary or ap-*
 7 *propriate.*

8 **SEC. 207. UNITED STATES RELEASE FROM LIABILITY.**

9 *The United States shall not be liable for any debts,*
 10 *defaults, acts, or omissions of the Council. The full faith*
 11 *and credit of the United States shall not extend to any obli-*
 12 *gation of the Council.*

13 **SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.**

14 (a) *GRANTS.*—

15 (1) *IN GENERAL.*—*Not less frequently than an-*
 16 *nually, the Secretary shall award a grant to the*
 17 *Council, to be used to carry out the purposes specified*
 18 *in section 201(b) in accordance with this section.*

19 (2) *GRANT AGREEMENTS.*—*As a condition to re-*
 20 *ceiving a grant under this section, the secretary of the*
 21 *Board, with the approval of the Board, shall enter*
 22 *into an agreement with the Secretary that specifies*
 23 *the duties of the Council in carrying out the grant*
 24 *and the information that is required to be included*
 25 *in the agreement under paragraphs (3) and (4).*

1 (3) *MATCHING REQUIREMENTS.*—*Each agree-*
 2 *ment entered into under paragraph (2) shall specify*
 3 *that the Federal share of a grant under this section*
 4 *shall be 80 percent of the cost of the activities funded*
 5 *under the grant. No amount may be made available*
 6 *to the Council for a grant under this section, unless*
 7 *the Council has raised an amount from private per-*
 8 *sons and State and local government agencies equiva-*
 9 *lent to the non-Federal share of the grant.*

10 (4) *PROHIBITION ON THE USE OF FEDERAL*
 11 *FUNDS FOR ADMINISTRATIVE EXPENSES.*—*Each*
 12 *agreement entered into under paragraph (2) shall*
 13 *specify that a reasonable amount of the Federal funds*
 14 *made available to the Council (under the grant that*
 15 *is the subject of the agreement or otherwise), but in*
 16 *no event more than 15 percent of such funds, may be*
 17 *used by the Council for administrative expenses of the*
 18 *Council, including salaries, travel and transportation*
 19 *expenses, and other overhead expenses.*

20 (b) *TECHNICAL ASSISTANCE.*—

21 (1) *IN GENERAL.*—*Each agency head listed in*
 22 *paragraph (2) shall provide to the Council such tech-*
 23 *nical assistance as may be necessary for the Council*
 24 *to carry out the purposes specified in section 201(b).*

1 (2) *AGENCY HEADS.*—*The agency heads listed in*
 2 *this paragraph are as follows:*

3 (A) *The Secretary of Housing and Urban*
 4 *Development.*

5 (B) *The Secretary of the Interior.*

6 (C) *The Commissioner of Indian Affairs.*

7 (D) *The Assistant Secretary for Economic*
 8 *Development of the Department of Commerce.*

9 (E) *The Administrator of the Small Busi-*
 10 *ness Administration.*

11 (F) *The Administrator of the Rural Devel-*
 12 *opment Administration.*

13 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *AUTHORIZATION.*—*There are authorized to be ap-*
 15 *propriated to the Department of the Interior, \$10,000,000*
 16 *for each of fiscal years 2002, 2003, 2004, 2005, and 2006,*
 17 *to be used in accordance with section 208.*

18 (b) *ADDITIONAL AUTHORIZATION.*—*The amounts au-*
 19 *thorized to be appropriated under this section are in addi-*
 20 *tion to any amounts provided or available to the Council*
 21 *under any other provision of Federal law.*

Calendar No. 745

106TH CONGRESS
2D SESSION

S. 1658

[Report No. 106-368]

A BILL

To authorize the construction of a Reconciliation
Place in Fort Pierre, South Dakota, and for
other purposes.

AUGUST 25, 2000

Reported with an amendment